IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Writ Petition No. 259 of 2007

1. Goldie Sud & anr. ..Petitioners

vs.

1. The Municipal Corporation of Gr.Mumbai & Ors. ..Respondents

Mr.Naresh i/b Mrs.Veena Thadani for petitioners.
Mrs.Kiran Bagalia for MMRDA
Ms.Aruna Sawala for respondent Corporation

CORAM: SWATANTER KUMAR C.J.
AND S.C.DHARMADHIKARI J.
22nd June, 2007

P.C.

1. In view of para 4(a) of the affidavit of the Corporation as well as para 2 of the affidavit of MMRDA, we are of the considered view that the matter raises the factual controversies for consideration of this Court which are incapable of being adjudicated upon without proper evidence.

2. At this stage the learned Counsel appearing for the petitioner submits that the respondents should be directed to look into the matter after giving opportunity of hearing to the petitioner and pass appropriate order. If they had taken possession of the dotted line shown in the plan on page 62 of the paper book and then they should be

directed to pay compensation in terms of provisions of law and as stated in their affidavit. The learned Counsel appearing for respective respondents submit that the authorities will look into the representation of the petitioner after hearing the petitioner within two weeks from today. The matter will be decided within a period of six weeks thereafter. In view of the joint stand taken and statement made on behalf of the respondents nothing survives in the petition. The petition is disposed of accordingly. No order as to costs.

(CHIEF JUSTICE)

(S.C.DHARMADHIKARI J.)